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Patent Application Serial No.: 09/990,326

Our Ref: PT-1475000

CUSTOMER NO. 23607

Applicants: Anthony Derose

Agent: Neil H. Hughes, P. Eng.
c/o Ivor M. Hughes
Barrister & Solicitor
Patent & Trade Mark Agents
Suite 200,
175 Commerce Valley Dr. W.
Thornhill, Ontario.
L3T 7P6, CANADA

Title:

Inventor: Anthony Derose

Examiner: Joanne Silbermann

Group Art Unit: 3611

No. of Pages including this sheet: 3

DELIVERED TO FACSIMILE NO. (571) 273-8300

July 6, 2006

Commissioner of Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Attention: Ms. Joanne Silbermann
Primary Examiner

Dear Examiner Silbermann:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper:

1) Letter to Examiner Silbermann dated July 6, 2006

is being facsimile transmitted to the United States Patent Office Facsimile
No. (571) 273-8300 on the date shown below.

NEIL H. HUGHES
Agent for Applicant

Signature: 

Date: July 6, 2006

**Ivor M. Hughes**

Barrister & Solicitor

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Barristers & Solicitors
Ivor M. Hughes
Rick TuziPatent Agents
Neil H. Hughes, P.Eng.
Marcelo K. Sarkis, P.Eng.
Wm. Kia Sinden
Samuel T. Tekie, P.Eng.
Francis Ng-Cheng-Hin

Our Ref: PT-1475000

July 6, 2006

VIA FACSIMILE: (571-273-8300)

The Commissioner of Patents
United States Patent & Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314Attention: **Ms. Joanne Silbermann**
Primary Examiner

Dear Examiner Silbermann:

Re: United States Application No. 09/990,326
of Anthony Deroose
for IMPROVEMENTS IN DISPLAY SIGNS, DECORATIVE LIGHTING, AND
ORNAMENTS FOR HOLIDAY SEASONS

This letter will confirm the telephonic discussion between Examiner Silbermann and Neil Hughes, Agent of Record on Thursday, June 29, 2006. The Agent had requested guidance from the Examiner with respect to the election requirement included in the last office action and specifically which of the two species subject to an election might be more favourable for allowance in the Examiner's view.

The Examiner offered no assistance or guidance whatsoever essentially taking the position that she could not be of any assistance. But according to the Manual of Patent Examining Procedure (MPEP) an Examiner of the USPTO should provide some direction when requested to do so. Although it may not be a duty under law the Examiner should provide some guidance or assistance to the Applicant in determining a direction to pursue. Otherwise a dead end is reached as is now the case, and the Applicant's rights may be prejudiced. In this regard please refer to the appropriate section of the MPEP set out below.

At page 700-101, column 2, section 707.07(j) under Allowable Except As to Form:

"...the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and, when possible, should offer a definite suggestion for correction."

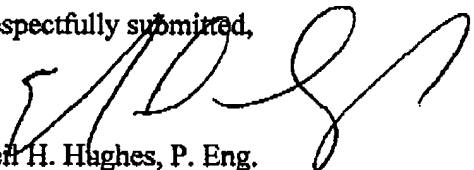
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At page 700-164, column 2, section 713.01:

"...However, the examiner should attempt to identify issues and resolve differences during the interview as much as possible."

Applicant would therefore appreciate it if the Examiner would assist Applicant's Agent in determining a direction to pursue with respect to claims related to either a string of ornaments or a display sign and as to which species the Examiner considers there is patentable subject matter. Every assistance would be very much appreciated.

Respectfully submitted,


Neil H. Hughes, P. Eng.
Agent for Applicant

NHH/lvp

Copy: Lesley Morris, Supervisor (via facsimile)